

11/30/09

Mail Stop Interference
P.O. Box 1450
Alexandria Va 22313-1450
Tel: 571-272-9797
Fax: 571-273-0042

Paper 1²³
Filed: 30 November 2009

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Chandler Dawson
Junior Party
(U.S. Patent Application 11/801,345),

v.

Chandler Dawson and Lyle Bowman
Senior Party
(U.S. Patent 6,569,443).

Patent Interference No. 105,729 (MPT)
(Technology Center 1600)

DECLARATION - Bd.R. 203(b)¹

¹ "Bd.R. x" may be used as shorthand for "37 C.F.R. ' 41.x". 69 Fed. Reg. 49960, 49961 (12 Aug. 2004).

1 **Part A. Declaration of interference**

2 An interference is declared (35 U.S.C. § 135(a)) between the above-
3 identified parties. Details of the application(s), patent (if any), reissue application
4 (if any), count(s) and claims designated as corresponding or as not corresponding
5 to the count(s) appear in Parts E and F of this DECLARATION.

6 **Part B. Judge managing the interference**

7 Administrative Patent Judge Michael P. Tierney has been designated to
8 manage the interference. Bd. R. 104(a).

9 **Part C. Standing order**

10 A Trial Section STANDING ORDER [SO] (Paper 2) accompanies this
11 DECLARATION. The STANDING ORDER applies to this interference.

12 **Part D. Initial conference call**

13 A telephone conference call to discuss the interference is set for **2:00 p.m.**
14 **on January 25, 2010** (the Board will initiate the call).

15 No later than four business days prior to the conference call, each party shall
16 file and serve (SO ¶¶ 10.1 & 105) a list of the motions (Bd. R. 120; Bd. R. 204;
17 SO ¶¶ 104.2.1, 120 & 204) the party intends to file.

18 A sample schedule for taking action during the motion phase appears as
19 Form 2 in the STANDING ORDER. Counsel are encouraged to discuss the
20 schedule prior to the conference call and to agree on dates for taking action. A

1 typical motion period lasts approximately eight (8) months. Counsel should be
2 prepared to justify any request for a shorter or longer period.

3 **Part E. Identification and order of the parties**

4 Junior Party

5 Named inventors: CHANDLER R. DAWSON, MILL VALLEY, CA
6 Involved Application: U.S. Application 11/801,345, filed on May 8, 2007
7 Title: Topical Treatment or Prevention of Ocular
8 Infections
9 Assignee: Regents of the University of California

10
11 Senior Party

12 Named Inventors: CHANDLER R. DAWSON, MILL VALLEY, CA
13 LYLE M. BOWMAN, PLEASANTON, CA
14 Involved Patent: U.S. Patent 6,569,443, issued on May 27, 2003,
15 based upon U.S. Application 09/767,943, filed on
16 January 24, 2001.
17 Title: Topical Treatment or Prevention of Ocular
18 Infections
19 Assignee: InSite Vision Incorporated

1 The senior party is assigned exhibit numbers 1001-1999. The junior party is
2 assigned exhibit numbers 2001-2999. Bd. R. 154(c)(1); SO ¶ 154.2.1. The senior
3 party is responsible for initiating settlement discussions. SO ¶ 126.1.

4 **Part F. Count and claims of the parties**

5 **Count 1**

6 A process for treating an eye according to claim 11 of U.S.
7 Application 11/801,345 or claim 1 of U.S. Patent 6,569,443.

8
9 The claims of the parties are:

10 Dawson '345: 1 and 4-20
11 Dawson et al. '443: 1-45

12
13
14 The claims of the parties which correspond to Count 1 are:

15 Dawson '345: 11-20
16 Dawson et al. '443: 1-19 and 23-41

17
18 The claims of the parties which do not correspond to Count 1, and therefore
19 are not involved in the interference, are:

20 Dawson '345: 1 and 4-10
21 Dawson et al. '443: 20-22 and 42-45

22
23 The parties are accorded the following benefit for Count 1:

24 None²

² See Paper 3 for further details.

1 **Part G. Heading to be used on papers**

2 The following heading must be used on all papers filed in this interference,
3 see SO ¶ 106.1.1:

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Chandler **Dawson**
Junior Party
(U.S. Patent Application 11/801,345),

v.

Chandler **Dawson** and Lyle Bowman
Senior Party
(U.S. Patent 6,569,443).

Patent Interference No. 105,729 (MPT)
(Technology Center 1600)

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28
- 29
- 30
- 31
- 32
- 33

Enc:

Revised 3 January 2006

Attorney for Dawson:

Attorney for Dawson:

Sughrue Mion, PLLC
2100 Pennsylvania Avenue, NW
Suite 800
Washington, DC 20037

6